

SECOND REGULAR SESSION

SENATE BILL NO. 570

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3210S.02I

AN ACT

To repeal sections 566.030, 566.032, 566.034, 566.060, 566.062, 566.067, 566.068, 566.209, 566.212, 589.407, 589.414, and 589.425, RSMo, and to enact in lieu thereof fourteen new sections relating to sexual offenses, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 566.030, 566.032, 566.034, 566.060, 566.062, 566.067, 566.068, 566.209, 566.212, 589.407, 589.414, and 589.425, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 566.030, 566.032, 566.034, 566.060, 566.062, 566.067, 566.068, 566.209, 566.212, 589.407, 589.409, 589.414, 589.418, and 589.425, to read as follows:

566.030. 1. A person commits the crime of forcible rape if such person has sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. Forcible rape or an attempt to commit forcible rape is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; **or**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 **(2) The victim is a child less than fourteen years of age, in which**
16 **case, the authorized term of imprisonment is life imprisonment or a**
17 **term of years not less than twenty-five years.**

18 **3. Notwithstanding any other provision of law to the contrary,**
19 **any person who is convicted of or has pleaded guilty to forcible rape or**
20 **attempt to commit forcible rape shall serve his or her term of**
21 **imprisonment without probation or parole.**

 566.032. 1. A person commits the crime of statutory rape in the first
2 degree if he has sexual intercourse with another person who is less than fourteen
3 years old.

4 2. Statutory rape in the first degree is a felony for which the authorized
5 term of imprisonment is life imprisonment or a term of years not less than [five]
6 **twenty-five** years[, unless in the course thereof the actor inflicts serious
7 physical injury on any person, displays a deadly weapon or dangerous instrument
8 in a threatening manner, subjects the victim to sexual intercourse or deviate
9 sexual intercourse with more than one person, or the victim is less than twelve
10 years of age in which case the authorized term of imprisonment is life
11 imprisonment or a term of years not less than ten years].

12 **3. Notwithstanding any other provision of law to the contrary,**
13 **any person who is convicted of or has pleaded guilty to statutory rape**
14 **in the first degree shall serve his or her term of imprisonment without**
15 **probation or parole.**

 566.034. 1. A person commits the crime of statutory rape in the second
2 degree if being twenty-one years of age or older, he has sexual intercourse with
3 another person who is less than seventeen years of age.

4 2. Statutory rape in the second degree is a class [C] B felony.

 566.060. 1. A person commits the crime of forcible sodomy if such person
2 has deviate sexual intercourse with another person by the use of forcible
3 compulsion. Forcible compulsion includes the use of a substance administered
4 without a victim's knowledge or consent which renders the victim physically or
5 mentally impaired so as to be incapable of making an informed consent to sexual
6 intercourse.

7 2. Forcible sodomy or an attempt to commit forcible sodomy is a felony for
8 which the authorized term of imprisonment is life imprisonment or a term of
9 years not less than five years, unless:

10 **(1) In the course thereof the actor inflicts serious physical injury or**

11 displays a deadly weapon or dangerous instrument in a threatening manner or
12 subjects the victim to sexual intercourse or deviate sexual intercourse with more
13 than one person, in which case the authorized term of imprisonment is life
14 imprisonment or a term of years not less than ten years; **or**

15 **(2) The victim is a child less than fourteen years of age, in which**
16 **case, the authorized term of imprisonment is life imprisonment or a**
17 **term of years not less than twenty-five years.**

18 **3. Notwithstanding any other provision of law to the contrary,**
19 **any person who is convicted of or has pleaded guilty to forcible sodomy**
20 **or attempt to commit forcible sodomy shall serve his or her term of**
21 **imprisonment without probation or parole.**

566.062. 1. A person commits the crime of statutory sodomy in the first
2 degree if he has deviate sexual intercourse with another person who is less than
3 fourteen years old.

4 2. Statutory sodomy in the first degree is a felony for which the
5 authorized term of imprisonment is life imprisonment or a term of years not less
6 than [five] **twenty-five** years[, unless in the course thereof the actor inflicts
7 serious physical injury on any person, displays a deadly weapon or dangerous
8 instrument in a threatening manner, subjects the victim to sexual intercourse or
9 deviate sexual intercourse with more than one person, or the victim is less than
10 twelve years of age, in which case the authorized term of imprisonment is life
11 imprisonment or a term of years not less than ten years].

12 **3. Notwithstanding any other provision of law to the contrary,**
13 **any person who is convicted of or has pleaded guilty to statutory**
14 **sodomy in the first degree shall serve his or her term of imprisonment**
15 **without probation or parole.**

566.067. 1. A person commits the crime of child molestation in the first
2 degree if he or she subjects another person who is less than fourteen years of age
3 to sexual contact.

4 2. Child molestation in the first degree is a [class B] felony [unless the
5 actor has previously been convicted of an offense under this chapter or in the
6 course thereof the actor inflicts serious physical injury, displays a deadly weapon
7 or deadly instrument in a threatening manner, or the offense is committed as
8 part of a ritual or ceremony, in which case the crime is a class A felony] **with an**
9 **authorized term of life imprisonment or a term of years not less than**
10 **twenty-five years.**

11 **3. Notwithstanding any other provision of law to the contrary,**
12 **any person who is convicted of or has pleaded guilty to child**
13 **molestation in the first degree shall serve his or her term of**
14 **imprisonment without probation or parole.**

 566.068. 1. A person commits the crime of child molestation in the second
2 degree if he or she subjects another person who is less than seventeen years of
3 age to sexual contact.

4 2. Child molestation in the second degree is a class [A misdemeanor] **D**
5 **felony** unless the actor has previously been convicted of an offense under this
6 chapter or in the course thereof the actor inflicts serious physical injury on any
7 person, displays a deadly weapon or dangerous instrument in a threatening
8 manner, or the offense is committed as part of a ritual or ceremony, in which case
9 the crime is a class [D] **C** felony.

 566.209. 1. A person commits the crime of trafficking for the purposes of
2 sexual exploitation if a person knowingly recruits, transports, provides, or obtains
3 by any means another person for the use or employment of such person in sexual
4 conduct as defined in section 556.061, RSMo, without his or her consent.

5 2. The crime of trafficking for the purposes of sexual exploitation is a
6 class [B] **A** felony.

 566.212. 1. A person commits the crime of sexual trafficking of a child if
2 the individual knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means a person under the age of eighteen to participate in a commercial sex act
5 or benefits, financially or by receiving anything of value, from participation in
6 such activities; or

7 (2) Causes a person under the age of eighteen to engage in a commercial
8 sex act.

9 2. It shall not be an affirmative defense that the defendant believed that
10 the person was eighteen years of age or older.

11 3. The crime of sexual trafficking of a child is a class A felony if the child
12 is under the age of eighteen. **If the victim is a child less than fourteen**
13 **years of age at the time of the offense, the authorized term of**
14 **imprisonment shall be life imprisonment or a term of years not less**
15 **than twenty-five years.**

 589.407. Any registration pursuant to sections 589.400 to 589.425 shall
2 consist of completion of an offender registration form developed by the Missouri

3 state highway patrol. Such form shall include, but is not limited to the following:

4 (1) A statement in writing signed by the person, giving the name, address,
5 Social Security number and phone number of the person, the place of employment
6 of such person, enrollment within any institutions of higher education, the crime
7 which requires registration, whether the person was sentenced as a persistent or
8 predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief
9 description of such crime, the date and place of the conviction or plea regarding
10 such crime, the age and gender of the victim at the time of the offense and
11 whether the person successfully completed the Missouri sexual offender program
12 pursuant to section 589.040, if applicable; [and]

13 (2) The fingerprints and a photograph of the person; and

14 (3) A physical description of the offender's vehicle, including
15 make, model, color, and license plate number.

589.409. Within ten days of an offender who is required to
2 **register under section 589.400 completing an offender registration form,**
3 **the chief law enforcement officer of the county may provide written**
4 **notice to individuals living within one mile of an offender's primary**
5 **residence of such offender's intent to reside at such location, if the**
6 **offense for which the person must register was committed against a**
7 **victim less than seventeen years of age. The written notice shall**
8 **include only the information that the offender is required to provide**
9 **under section 589.407.**

589.414. 1. If any person required by sections 589.400 to 589.425 to
2 register changes residence or address within the same county as such person's
3 previous address, the person shall inform the chief law enforcement official in
4 writing within ten days of such new address and phone number, if the phone
5 number is also changed.

6 2. If any person required by sections 589.400 to 589.425 to register
7 changes such person's residence or address to a different county, the person shall
8 appear in person and shall inform both the chief law enforcement official with
9 whom the person last registered and the chief law enforcement official of the
10 county having jurisdiction over the new residence or address in writing within ten
11 days of such new address and phone number, if the phone number is also
12 changed. If any person required by sections 589.400 to 589.425 to register
13 changes their state of residence, the person shall appear in person and shall
14 inform both the chief law enforcement official with whom the person was last

15 registered and the chief law enforcement official of the area in the new state
16 having jurisdiction over the new residence or address within ten days of such new
17 address. Whenever a registrant changes residence, the chief law enforcement
18 official of the county where the person was previously registered shall promptly
19 inform the Missouri state highway patrol of the change. When the registrant is
20 changing the residence to a new state, the Missouri state highway patrol shall
21 promptly inform the responsible official in the new state of residence.

22 3. Any person required by sections 589.400 to 589.425 to register who
23 changes his or her enrollment or employment status with any institution of
24 higher education within this state, by either beginning or ending such enrollment
25 or employment, shall inform the chief law enforcement officer of such change
26 within seven days after such change is made.

27 4. Any person required by sections 589.400 to 589.425 to register who
28 officially changes such person's name shall inform the chief law enforcement
29 officer of such name change within seven days after such change is made.

30 5. **Any person required by sections 589.400 to 589.425 to register**
31 **who changes the ownership of his or her vehicle shall inform the chief**
32 **law enforcement officer of such vehicle change within seven days after**
33 **such change is made.**

34 6. In addition to the requirements of subsections 1 and 2 of this section,
35 the following offenders shall report in person to the county law enforcement
36 agency every ninety days to verify the information contained in their statement
37 made pursuant to section 589.407:

38 (1) Any offender registered as a predatory or persistent sexual offender
39 under the definitions found in section 558.018, RSMo;

40 (2) Any offender who is registered for a crime where the victim was less
41 than eighteen years of age at the time of the offense; and

42 (3) Any offender who has [pled] **pleaded** guilty or been found guilty
43 pursuant to section 589.425 of failing to register or submitting false information
44 when registering.

45 [6.] 7. In addition to the requirements of subsections 1 and 2 of this
46 section, all registrants shall report [annually] **bi-annually** in person in the
47 month of their birth **and six months after such date** to the county law
48 enforcement agency to verify the information contained in their statement made
49 pursuant to section 589.407. **All registrants shall provide an updated**
50 **photograph of himself or herself when reporting to the county law**

51 **enforcement agency in the month of his or her birthday.**

52 [7.] 8. In addition to the requirements of subsections 1 and 2 of this
53 section, all Missouri registrants who work or attend school or training on a
54 full-time or part-time basis in any other state shall be required to report in
55 person to the chief law enforcement officer in the area of the state where they
56 work or attend school or training and register in that state. "Part-time" in this
57 subsection means for more than fourteen days in any twelve-month period.

**589.418. Any person who knowingly believes that a sexual
2 offender is not complying with the registration requirements of
3 sections 589.400 to 589.425 and who, with the intent to assist the sexual
4 offender in eluding a law enforcement agency that is seeking to find the
5 sexual offender to question the offender about, or to arrest the offender
6 for, his or her noncompliance with such registration requirements is
7 guilty of a class D felony if such person:**

8 (1) Withholds information from, or does not notify, the law
9 enforcement agency about the sexual offender's noncompliance with the
10 registration requirements of sections 589.400 to 589.425, and if known,
11 the location of the sexual offender;

12 (2) Harbors, or attempts to harbor the sexual offender;

13 (3) Conceals or attempts to conceal the sexual offender; or

14 (4) Provides information to the law enforcement agency
15 regarding the sexual predator that the person knows to be false
16 information.

589.425. 1. Any person who is required to register pursuant to sections
2 589.400 to 589.425 and does not meet all requirements of sections 589.400 to
3 589.425 is guilty of a class [A misdemeanor] **D felony**, unless the person has
4 been convicted pursuant to chapter 566, **RSMo**, of an unclassified felony, class
5 A felony, class B felony, or any felony involving a child under the age of fourteen,
6 in which case the person is guilty of a class [D] **C felony**.

7 2. Any person who commits a second or subsequent violation of subsection
8 1 of this section is guilty of a class [D] **C felony**, unless the person has been
9 convicted pursuant to chapter 566, **RSMo**, of an unclassified felony, class A
10 felony, class B felony, or any felony involving a child under the age of fourteen,
11 in which case the person is guilty of a class [C] **B felony**.

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